S.B. Civil Writ Petition No. 5477/2004
(Gordhan & Ors. V/s State & Ors.)

Date of Order : 08/12/2004

HON'BLE MR. PRAKASH TATIA,J.

Mr.Sudhir Sharma, for the petitioner/s

By this writ petition petitioner seeking only relief of consideration of his entitlement of regularisation of the land under the rules framed for regularisation of the land in possession of the person, who have no title with them.

According to the learned counsel for the petitioner, the petitioner is in possession since 1981. The fact of the possession of the petitioner on the land in question in fully noticed by the Revenue Authority. The petitioner submitted a representation for regularisation of his land also. It is submitted that the petitioner paid the penalties as and when demanded by the Revenue Authority in proceeding initiated under Section 91 of the Rajasthan Land Revenue Act and since last about 23 years, he is paying the penalty. If it is true than it is shocking that the provisions of Section 91 of the aforesaid Act has been used only for the purpose of collecting money from the person who encroached upon the government land and not for protecting the State land.

However, since the petitioner has submitted that he is in possession on the land since 1981 and now the petitioner is sought to be evicted when the

petitioners' representation for regularisation of the land is pending. Therefore, it will be desirable that the petitioners' application be decided by the learned District Collector, Jodhpur after giving opportunity of hearing to the petitioner strictly in accordance with law, not treating this order as any observation on the claim of the petitioner or finding of the fact that the petitioner is in possession since 1981 or is in possession from any subsequent year.

Learned District Collector, Jodhpur may decide the petitioners' application for his entitlement for regularisation of the land within a period of one month from the date of submitting copy of this order by the petitioner before the learned District Collector, Jodhpur. The petitioner to appear before the learned District Collector, Jodhpur on 15.12.2004.

The writ petition of the petitioner is disposed of with the said direction. Till the representation of the petitioner is decided, the petitioner may not be dispossessed from the land in question, if he has not already been dispossessed.

(PRAKASH TATIA)J.

RM/